

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.883 of 2013

In

Civil Writ Jurisdiction Case No.10445 of 2007

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1. The State Of Bihar Through Commissioner And Secretary Human Resource Development (Now Principal Secretary, Education Department), Vikas Bhawan, Patna
 2. The Commissioner And Secretary, Human Resources, (Now Education Department, Vikash Bhawan, Patna
 3. The Director, Higher Education Human Resources, Now Education Department, Vikash Bhawan, Patna

... .. Appellants

Versus

1. Anwari Khatoon W/O Wali Ahmad Resident Of Mohalla - Naugarwa, P.O. Mahendru, P.S. Sultanganj, Patna
2. Magadh University Through Its Registrar
3. The Registrar, Magadh University
4. The Governing Body, Oriental College, Patna City, Patna Through The Secretary
5. The Secretary, G.B. Oriental College, Patna City

... .. Respondents

Appearance :

For the Appellant/s : Mrs. Binita Singh, SC-28
Mr. Nishant Kumar Jha, AC to SC-28
For the Respondent No.1: Mr. Sushil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 31-10-2017

Heard counsel for the State and counsel for the respondents.

Perused the impugned order dated 22nd April, 2011 passed by the learned single Judge.

The judgment of the learned single Judge has been passed keeping in mind the ratio laid down by the Hon'ble Apex Court in the case of *State of Bihar and Others vs. Syed Asad Raza and Others*, reported in AIR 1997 SC 2425.



The institution in question was a deficit grant institution and the State has an obligation for its funding. Because of non-funding, the petitioner in question attained superannuation and was never paid her rightful dues. It was in this background that the Court ordered that the outstanding dues in relation to the deficit grant, which will facilitate payment to the private respondent, the petitioner, would be raised by the College, route it through the University to the State and the State was required to make good the said deficit.

We do not find any infirmity in the rational and the reasoning for such a direction.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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